



Agenda Item Number: \_\_\_\_\_

## **BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS**

**Meeting Date:** January 25, 2005

**Department:** Zoning, Building and Planning **Staff Contact:** Catherine VerEecke, Program Planner

**TITLE: CONSENT:** Special Use Permit for Drilling and Production of Gas or Hydrocarbons  
(natural gas) (CSU-40034)

### **COUNTY PLANNING COMMISSION RECOMMENDATION:**

Approval

### **SUMMARY:**

At the November 3, 2004 public hearing, the County Planning Commission voted (6-0; Montano excused ) to recommend approval of a Special Use Permit for Drilling and Production of Gas or Hydrocarbons (natural gas) on a portion of the SE¼ of Section 27 T10N R1W, NMPM, located approximately 2.66 miles northwest of the Rio Puerco/I-40 exit, zoned A-1, containing approximately 3.5 acres. The decision was based on the following five (5) Findings and subject to the following eleven (11) Conditions.

#### Findings:

1. This is a request for a Special Use Permit for Drilling and Production of Gas or Hydrocarbons (natural gas) on a on a portion of the SE¼ of Section 27 T10N R1W, NMPM, located approximately 2.66 miles northwest of the Rio Puerco/I-40 exit, zoned A-1, containing approximately 3.5 acres.
2. The property is located in the Rural Area of the Albuquerque/Bernalillo County Comprehensive Plan and the Far West Mesa Area of the West Side Strategic Plan.
3. A Special Use Permit for this property includes conditions of approval, which will apply regulations that require the applicant to minimize the impact to the environment and to future development in the area.
4. The request is consistent with Resolution 116-86, in that the request is more advantageous to the community in that it satisfies the Albuquerque/Bernalillo County Comprehensive Plan Goal for Energy Management that calls for maintaining an adequate economical supply of energy through energy management techniques and use of alternative and renewable energy sources.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

Conditions:

1. Permits shall be obtained from State Oil Conservation Office prior to commencing gas exploration. Copies of the Permits shall be submitted to the Zoning, Building, Planning, and Environmental Health Department.
2. Evidence of access easements through properties leading to the site shall be provided to the County Public Works Division for review and approval prior to commencing gas exploration. A copy shall be provided to the Zoning, Building, Planning, and Environmental Health Department.
3. Evidence of Flood Plain Insurance must be provided to the County Public Works Division prior to commencing gas exploration. A copy of the Insurance shall be provided to the Zoning, Building, Planning, and Environmental Health Department.
4. The applicant shall obtain a Surface Disturbance Permit from the City of Albuquerque Environmental Health Department prior to any earthmoving activities involving a parcel of  $\frac{3}{4}$  of an acre or more. A copy of the permit shall be submitted to the Zoning, Building, Planning, and Environmental Health Department.
5. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
6. The Special Use Permit shall be issued for ten (10) years. If drilling and/or production activity on the site ceases before this time, the applicant shall notify the Zoning, Building, Planning, and Environmental Health Department in writing.
7. A revised site development plan consistent with the Conditions of Approval shall be submitted for review and approval to the Zoning Administrator within two months after the final approval of the Board of County Commissioners. The site development plan shall include a copy of the reclamation plan.
8. The cattle guard will be installed at the I-40 access gate.
9. A reclamation plan shall be provided and accordance with the New Mexico Oil Conservation Division requirements and the area seeded with a Bernalillo County Office of Environmental Health approved seed mix.
10. Prior to drilling the applicant will met with the Bernalillo County Office of Environmental Health to discuss the drilling process.
11. The foregoing conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

**ATTACHMENTS:**

1. County Planning Commission Notice of Decision Letter (November 5, 2004)
2. County Planning Commission Information Packet (Including site plan).
3. Additional Materials--Access Plan (Commissioners only).

## **STAFF ANALYSIS SUMMARY**

### **ZONING, BUILDING & PLANNING DEPARTMENT:**

Staff Recommends Approval